

Senate File 2265 - Introduced

SENATE FILE _____
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3185)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for establishment of a mental health services
2 system for children and youth.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5355SV 82
5 jp/rj/14

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1 1 Section 1. NEW SECTION. 225C.51 DEFINITIONS.
1 2 For the purposes of this division:
1 3 1. "Child" or "children" means a person or persons under
1 4 eighteen years of age.
1 5 2. "Children's system" or "mental health services system
1 6 for children and youth" means the mental health services
1 7 system for children and youth implemented pursuant to this
1 8 division.
1 9 3. "Functional impairment" means difficulties that
1 10 substantially interfere with or limit a person from achieving
1 11 or maintaining one or more developmentally appropriate social,
1 12 behavioral, cognitive, communicative, or adaptive skills and
1 13 that substantially interfere with or limit the person's role
1 14 or functioning in family, school, or community activities.
1 15 "Functional impairment" includes difficulties of episodic,
1 16 recurrent, and continuous duration. "Functional impairment"
1 17 does not include difficulties resulting from temporary and
1 18 expected responses to stressful events in a person's
1 19 environment.
1 20 4. "Other qualifying mental health disorder" means a
1 21 mental health crisis or any diagnosable mental health disorder
1 22 that is likely to lead to mental health crisis unless there is
1 23 an intervention.
1 24 5. "Serious emotional disturbance" means a diagnosable
1 25 mental, behavioral, or emotional disorder of sufficient
1 26 duration to meet diagnostic criteria specified within the most
1 27 current diagnostic and statistical manual of mental disorders
1 28 published by the American psychiatric association that results
1 29 in a functional impairment. "Serious emotional disturbance"
1 30 does not include substance use and developmental disorders
1 31 unless such disorders co-occur with such a diagnosable mental,
1 32 behavioral, or emotional disorder.
1 33 6. "Youth" means a person eighteen years of age or older
1 34 but under twenty-two years of age who met the criteria for
1 35 having a serious emotional disturbance prior to the age of
2 1 eighteen.
2 2 Sec. 2. NEW SECTION. 225C.52 MENTAL HEALTH SERVICES
2 3 SYSTEM FOR CHILDREN AND YOUTH == PURPOSE.
2 4 1. Establishing a comprehensive community-based mental
2 5 health services system for children and youth is part of
2 6 fulfilling the requirements of the division and the commission
2 7 to facilitate a comprehensive, continuous, and integrated
2 8 state mental health services plan in accordance with sections
2 9 225C.4, 225C.6, and 225C.6A, and other provisions of this
2 10 chapter. The purpose of establishing the children's system is
2 11 to improve access for children and youth with serious
2 12 emotional disturbances and youth with other qualifying mental
2 13 health disorders to mental health treatment, services, and
2 14 other support in the least restrictive setting possible so the
2 15 children and youth can live with their families and remain in
2 16 their communities. The children's system is also intended to
2 17 meet the needs of children and youth who have mental health

2 18 disorders that co-occur with substance abuse, mental
2 19 retardation, developmental disabilities, or other
2 20 disabilities. The children's system shall emphasize
2 21 community-level collaborative efforts between children and
2 22 youth and the families and the state's systems of education,
2 23 child welfare, juvenile justice, health care, substance abuse,
2 24 and mental health.

2 25 2. The goals and outcomes desired for the children's
2 26 system shall include but are not limited to all of the
2 27 following:

2 28 a. Identifying the mental health needs of children and
2 29 youth.

2 30 b. Performing comprehensive assessments of children and
2 31 youth that are designed to identify functional skills,
2 32 strengths, and services needed.

2 33 c. Providing timely access to available treatment,
2 34 services, and other support.

2 35 d. Offering information and referral services to families
3 1 to address service needs other than mental health.

3 2 e. Improving access to needed mental health services by
3 3 allowing children and youth to be served with their families
3 4 in the community.

3 5 f. Preventing or reducing utilization of more costly,
3 6 restrictive care by reducing the unnecessary involvement of
3 7 children and youth who have mental health needs and their
3 8 families with law enforcement, the corrections system, and
3 9 detention, juvenile justice, and other legal proceedings;
3 10 reducing the involvement of children and youth with child
3 11 welfare services or state custody; and reducing the placement
3 12 of children and youth in the state juvenile institutions,
3 13 state mental health institutes, or other public or private
3 14 residential psychiatric facilities.

3 15 g. Increasing the number of children and youth assessed
3 16 for functional skill levels.

3 17 h. Increasing the capacity to develop individualized,
3 18 strengths-based, and integrated treatment plans for children,
3 19 youth, and families.

3 20 i. Promoting communications with caregivers and others
3 21 about the needs of children, youth, and families engaged in
3 22 the children's system.

3 23 j. Developing the ability to aggregate data and
3 24 information, and to evaluate program, service, and system
3 25 efficacy for children, youth, and families being served on a
3 26 local and statewide basis.

3 27 k. Implementing and utilizing outcome measures that are
3 28 consistent with but not limited to the national outcomes
3 29 measures identified by the substance abuse and mental health
3 30 services administration of the United States department of
3 31 health and human services.

3 32 l. Identifying children and youth whose mental health or
3 33 emotional condition, whether chronic or acute, represents a
3 34 danger to themselves, their families, school students or
3 35 staff, or the community.

4 1 Sec. 3. NEW SECTION. 225C.53 ROLE OF DEPARTMENT AND
4 2 DIVISION == TRANSITION TO ADULT SYSTEM.

4 3 1. The department is the lead agency responsible for the
4 4 development, implementation, oversight, and management of the
4 5 mental health services system for children and youth in
4 6 accordance with this chapter. The department's
4 7 responsibilities shall be fulfilled by the division.

4 8 2. The division's responsibilities relating to the
4 9 children's system include but are not limited to all of the
4 10 following:

4 11 a. Ensuring that the rules adopted for the children's
4 12 system provide that, within the limits of appropriations for
4 13 the children's system, children and youth shall not be
4 14 inappropriately denied necessary mental health services.

4 15 b. Establishing standards for the provision of home and
4 16 community-based mental health treatment, services, and other
4 17 support under the children's system.

4 18 c. Identifying and implementing eligibility criteria for
4 19 the treatment, services, and other support available under the
4 20 children's system.

4 21 d. Ongoing implementation of recommendations identified
4 22 through children's system improvement efforts.

4 23 3. An adult person who met the criteria for having a
4 24 serious emotional disturbance prior to the age of eighteen may
4 25 qualify to continue services through the adult mental health
4 26 system.

4 27 Sec. 4. NEW SECTION. 225C.54 MENTAL HEALTH SERVICES
4 28 SYSTEM FOR CHILDREN AND YOUTH == INITIAL IMPLEMENTATION.

4 29 1. The mental health services system for children and
4 30 youth shall be initially implemented by the division
4 31 commencing with the fiscal year beginning July 1, 2008. The
4 32 division shall begin implementation by utilizing a competitive
4 33 bidding process to allocate state block grants to develop
4 34 services through existing community mental health centers,
4 35 providers approved in a waiver adopted by the commission to
5 1 provide services to a county in lieu of a community mental
5 2 health center, and other local service partners. The
5 3 implementation shall be limited to the extent of the
5 4 appropriations provided for the children's system.

5 5 2. In order to maximize federal financial participation in
5 6 the children's system, the division and the department's
5 7 Medicaid program staff shall analyze the feasibility of
5 8 leveraging existing Medicaid options, such as expanding the
5 9 home and community-based services waiver for children's mental
5 10 health services, reviewing the feasibility of implementing
5 11 other Medicaid options such as the federal Tax Equity and
5 12 Financial Responsibility Act of 1982 (TEFRA) option for
5 13 children with severe mental illness or emotional disturbance
5 14 and Medicaid administrative funding, and determining the need
5 15 for service enhancements through revisions to the Medicaid
5 16 state plan and the federal state children's health insurance
5 17 program and the healthy and well kids in Iowa program.

5 18 3. Initial block grants shall support a wide range of
5 19 children, youth, and family services and initiatives including
5 20 but not limited to school-based mental health projects, system
5 21 reviews providing service gap analysis, status studies of the
5 22 mental health needs of children and youth in representative
5 23 areas of the state, and mental health assessment capacity
5 24 development based in public and nonpublic schools and clinical
5 25 settings using standard functional assessment tools. The
5 26 purpose of developing the assessment capacity is to determine
5 27 children's and youths' degree of impairment in daily
5 28 functioning due to emotional, behavioral, psychological,
5 29 psychiatric, or substance use problems.

5 30 4. The initial block grants may also support an array of
5 31 programs and services including but not limited to mobile
5 32 crisis intervention services, or other support intended to
5 33 prevent more intensive or in-patient interventions, skills
5 34 training, intensive care coordination, and
5 35 cognitive-behavioral and multisystemic family therapy. In
6 1 addition, support may be provided for prevention-oriented
6 2 services including mental health consultations regarding home
6 3 visits, child welfare, juvenile justice, and maternal and
6 4 child health services, and consultation for preschool
6 5 programs.

6 6 5. The division shall report regularly to the commission,
6 7 general assembly, and governor concerning the implementation
6 8 status of the children's system, including but not limited to
6 9 an annual report submitted each January. The report may
6 10 address funding requirements and statutory amendments
6 11 necessary to further develop the children's system.

6 12 EXPLANATION

6 13 This bill provides for creation of a mental health services
6 14 system for children and youth by the division of mental health
6 15 and disability services of the department of human services.

6 16 New Code section 225C.51 provides definitions of the terms
6 17 "child" or "children", "children's system" or "mental health
6 18 services system for children and youth", "functional
6 19 impairment", "other qualifying mental health disorder",
6 20 "serious emotional disturbance", and "youth". "Youth" is
6 21 defined to mean a person age 18 or older but less than age 22
6 22 who met the criteria for having a serious emotional
6 23 disturbance prior to age 18.

6 24 New Code section 225C.52 states the purpose and the goals
6 25 and outcomes desired for the children's system. The purpose
6 26 is to improve access for children and youth with serious
6 27 emotional disturbances and youth with other qualifying mental
6 28 health disorders to mental health treatment, services, and
6 29 other support in the least restrictive setting possible so the
6 30 children and youth can live with their families and remain in
6 31 their communities.

6 32 New Code section 225C.53 outlines the role of the
6 33 department of human services as the lead agency for the
6 34 children's system and designates the division of mental health
6 35 and disability services to fulfill various responsibilities
7 1 relating to the system.

7 2 New Code section 252C.54 outlines requirements for the
7 3 initial implementation of the system in FY 2008=2009 using
7 4 competitive block grants through existing community mental

7 5 health centers, providers approved to provide services in
7 6 place of a community mental health center, and other local
7 7 service providers, requiring the department to analyze options
7 8 for leveraging additional Medicaid options, and engaging local
7 9 school, child welfare, juvenile justice, mental health, and
7 10 health care professionals. Certain services, such as
7 11 school-based mental health services and the development of
7 12 mental health assessment capacity based in public and
7 13 nonpublic schools and clinical settings, are required to be
7 14 supported through the block grants. The services supported
7 15 may also include other services such as mobile crisis
7 16 intervention services and prevention-oriented services.
7 17 The division is required to regularly report on the status
7 18 of the implementation to the mental health, mental
7 19 retardation, developmental disabilities, and brain injury
7 20 commission, governor, and general assembly, including an
7 21 annual report each January.
7 22 LSB 5355SV 82
7 23 jp/rj/14